

REMARKS

In the Office Action dated August 11, 2005, the Office Action objected to the Title of the Invention as not being descriptive. The Office Action further rejected claims 1-5 and 8-29 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Office Action additionally rejected claims 24-28 under 35 U.S.C. § 101 and 35 U.S.C. §112, first paragraph. Applicants note with appreciation the Examiner's allowance of claims 6 and 7. Applicants further note with appreciation the Examiner's indication of allowable subject matter in claims 1-5, 8-10 and 29. Applicants hereby amend claims 3, 8, 11, 15, 18, 22 and 24-28 to improve form. Reconsideration of the outstanding rejections of claims 1-5 and 8-29 is respectfully requested in view of the amendments above and the following remarks.

In paragraph 3, the Office Action objects to the "Title of the Invention" as not being descriptive. M.P.E.P. § 606 states that the title of the invention "should be brief but technically accurate and descriptive and should contain fewer than 500 characters." Applicants submit that the amended title of the invention, "Memory Allocation Using a Memory Address Pool" complies with the requirements of M.P.E.P. § 606 and should satisfy the objections of the Examiner. In view of this amendment to the "Title of the Invention," Applicants respectfully request withdrawal of this objection.

In paragraph 5, the Office Action rejects claims 1-5 and 8-29 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action asserts that "the language 'maintaining a pool of memory addresses...', 'maintain a buffer' and 'means for maintaining a pool of memory addresses...' is not clear or

definite because...it is unstated what specific step or steps make up the activity of maintaining a pool or buffer...therefore the scope of coverage of this limitation cannot be determined.” Applicants respectfully traverse.

It is black letter Patent law that the breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). See also M.P.E.P. § 2173.04. Additionally, a fundamental principle contained in 35 U.S.C. §112, second paragraph, is that Applicants are their own lexicographers and may “define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art.” M.P.E.P. § 2173.01. Applicants respectfully submit that they have used the broad language regarding “maintaining” with respect to a pool of memory addresses. This broad language may encompass “the simple activity of establishing a pool or buffer, or it may represent something else” as the Examiner has indicated. The fact that this language can cover a broad range of activities with respect to a pool of memory addresses goes to the breadth of the claim terminology, and not to its indefiniteness. Applicants submit that use of the term “maintaining” in these claims is not contrary to any accepted meanings in the art and broadly encompasses a wide variety of activities related to a pool of memory addresses. The broad language used in these claims is clearly permitted under 35 U.S.C. §112, second paragraph and, given that the Office Action is equating the breadth of the language of these claims with indefiniteness, Applicants respectfully submit that the rejection is improper. Withdrawal of the rejection of claims 1-5 and 8-29 under 35 U.S.C. §112, second paragraph, is, therefore, respectfully requested.

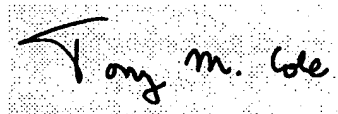
In paragraph 5, the Office Action further rejects pending claims 3, 8, 11, 15, 18, 22, 24 and 25 as having various antecedent basis problems. Applicants have amended claims 3, 8, 11, 15, 18, 22, 24 and 25 to clarify the antecedent basis of the term "data." In view of these amendments, Applicants submit that the antecedent basis problems noted by the Office Action have been corrected, and withdrawal of the rejection of pending claims 3, 8, 11, 15, 18, 22, 24 and 25 is, therefore, respectfully requested.

In paragraph 7, the Office Action rejects claims 24-28 under 35 U.S.C. § 101 as allegedly not being "supported by either a specific asserted utility or a well established utility." Applicants have amended claims 24-28 to re-cast them as system claims, where the various data recited in the data structure are used in allocating or de-allocating memory for memory read/write operations. In view of these claim amendments, Applicants submit that claims 24-28 specifically recite a utility (e.g., use of the data in allocating or de-allocating memory for memory read/write operations) and, therefore, the rejection of these claims under 35 U.S.C. § 101 should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. If any questions remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink that reads "Tony M. Cole". The signature is written in a cursive style with a large initial "T".

By: _____
Tony M. Cole
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Date: November 10, 2005

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